

Public Notice

Applicant:
**OEPA – Jack's Marine
North Slip**

Published: June 12, 2012
Expires: July 2, 2012

U.S. Army Corps
of Engineers
Buffalo District
CELRB-TD-R

Application No: 1986-00104
Section: Ohio

All written comments should reference the above Application No. and be addressed to:
Buffalo District U.S. Army Corps of Engineers
Regulatory Branch (Attn: Peter Krakowiak)
1776 Niagara Street
Buffalo, New York 14207-3199

THE PURPOSE OF THIS PUBLIC NOTICE IS TO SOLICIT COMMENTS FROM THE PUBLIC REGARDING THE WORK DESCRIBED BELOW. NO DECISION HAS BEEN MADE AS TO WHETHER OR NOT A PERMIT WILL BE ISSUED AT THIS TIME.

**Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

The Ohio Environmental Protection Agency (OEPA), PO Box 1049, Columbus, Ohio 43216 proposes to dredge approximately 10,000 to 12,000 cubic yards of contaminated sediments from Jack's Marine North Slip and cover the slip with an approximately six-inch layer of sand. An approximately 1.09-acre area (85' X 560') will be dredged to an elevation of 557 feet, or approximately 17 feet below the ordinary high water mark of the Ashtabula River. Approximately 8-9 feet of sediment will be removed from the area. The proposed project will be located outside of the Federal navigation channel of the Ashtabula River, at 2000 Great Lakes Avenue, in the City of Ashtabula, Ashtabula County, Ohio.

Sediment analysis has been performed for this portion of the Ashtabula River. The Corps of Engineers has evaluated the results of the analyses in accordance with the U.S. Environmental Protection Agency/U.S. Army Corps of Engineers Great Lakes Dredged Material Testing and Evaluation Manual (1998). The evaluation concluded that sediments located in this portion of the Ashtabula River were not suitable for open lake placement because they were not toxicologically comparable to sediments at the open-lake reference area in Lake Erie. OEPA proposes to transport the contaminated sediments across the River by scow to the Kinder-Morgan Terminal Pinney Dock facility for dewatering and treatment (see Sheet 4 of 6). Some dewatering may take place on the scows and the dewatered filtrate will be monitored for Total Suspended Solids and pH, treated and discharged into Lake Erie at the Outer Harbor. The contaminated sediment will be blended with Calciment, or another similar material, for strengthening and transportation to the proposed upland disposal location, the Elkem Metals disposal

site (see Sheet 5 of 6). Elutriate testing of the return water has been performed and the results are currently being analyzed.

A six-inch layer of sand will be placed over the dredged area to prevent erosion and migration of any remaining contaminants to the Federal navigation channel.

The applicant's stated purpose is to relieve stress on local fish populations, relieve the potential for contaminants to migrate to the Federal navigation channel, and ultimately lead to the delisting of the Ashtabula River as an Area of Concern. The disposal of the dredged material at the Elkem Metals site will also facilitate the closure of a historic industrial waste lagoon.

Location and details of the above described work are shown on the attached maps and drawings.

Comments or questions pertaining to the work described in this notice should be reference the Application Number and be directed to the attention of Peter Krakowiak, who can be contacted at the above address, by calling (716) 879-4363, or by e-mail at: Peter.j.krakowiak@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

The applicant has certified that the proposed activity complies with Ohio's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with Ohio's Coastal Zone Management Program should be forwarded to:

Mr. Glen Cobb
Ohio Department of Natural Resources
Environmental Policy Coordinator
Office of Legislative Services
2045 Morse Road, Building D-3
Columbus, Ohio 43229
Phone: (614)265-6888
FAX: (614) 267-4764
glen.cobb@dnr.state.oh.us

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

Based on preliminary findings, there do not appear to be any properties listed in, or eligible for listing in, the National Register of Historic Places within the permit area as shown on Sheet 3 of 6. Therefore, the Corps has determined that no historic properties will be affected by the proposed project. This notice constitutes initiation of consultation with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the SHPO. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the SHPO for their review.

Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the Corps of Engineers is consulting, under separate cover, with the USFWS to evaluate any potential impacts to: Indiana bat (*Myotis sodalis*), Kirtland's warbler (*Setophaga kirtlandii*), piping plover (*Charadrius meoldus*), clubshell (*Pleurobema clava*), snuffbox (*Epioblasma triquetra*), and eastern massasauga (*Sistrurus*

caternatus catenatus) and to ensure that the proposed activity is not likely to jeopardize their continued existence or result in the destruction or adverse modification of critical habitat.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

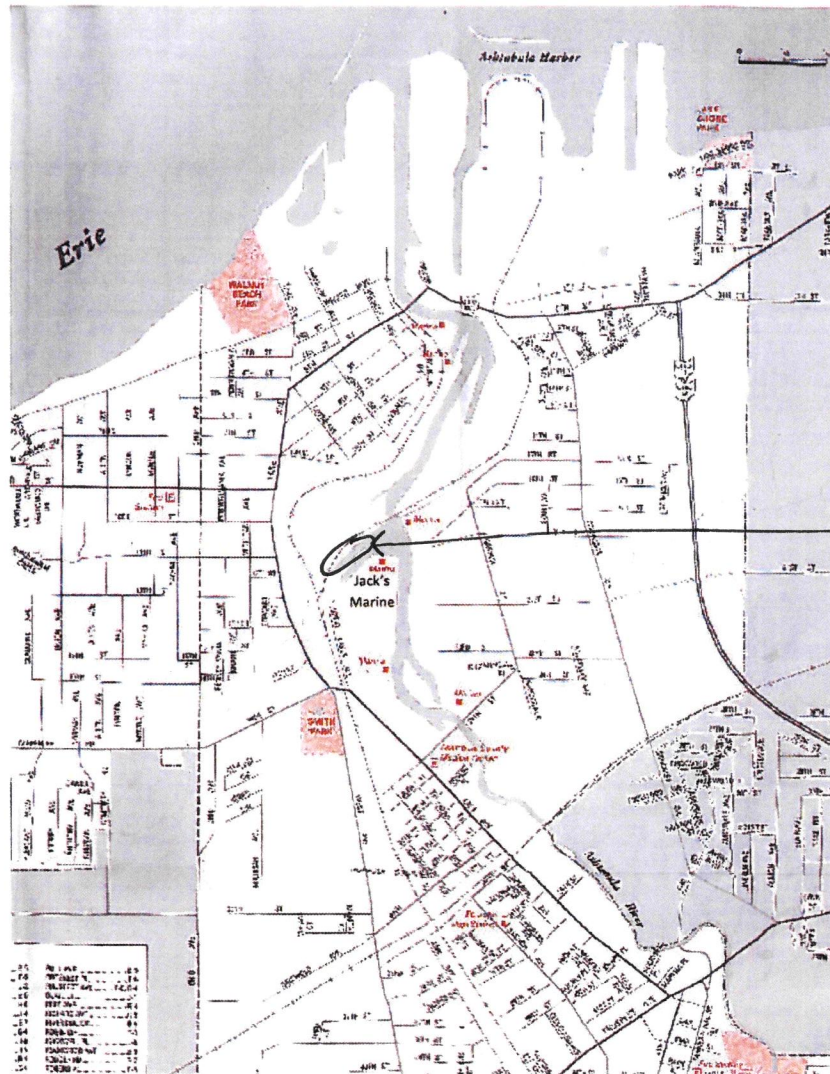
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Diane C. Kozlowski
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 20 days from the date of issuance.

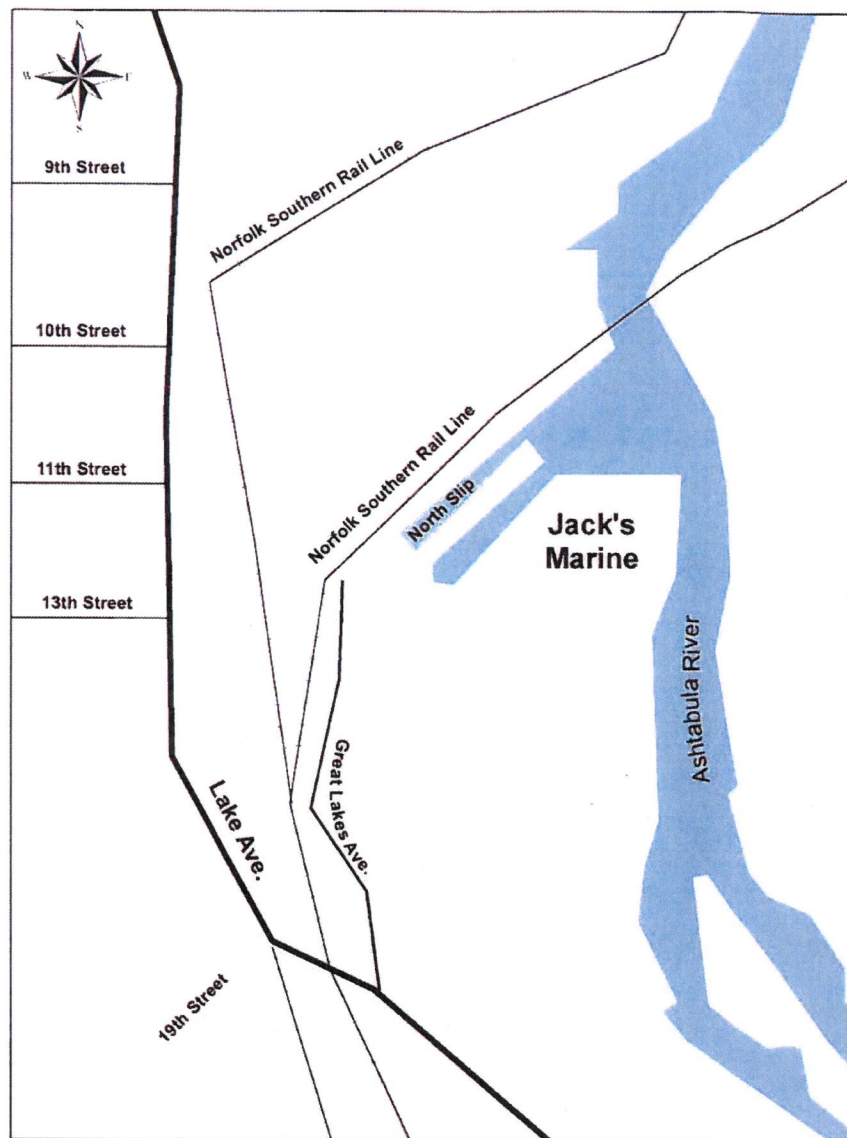
Jack's Marine North Slip Cleanup Project
Ohio EPA



Location map



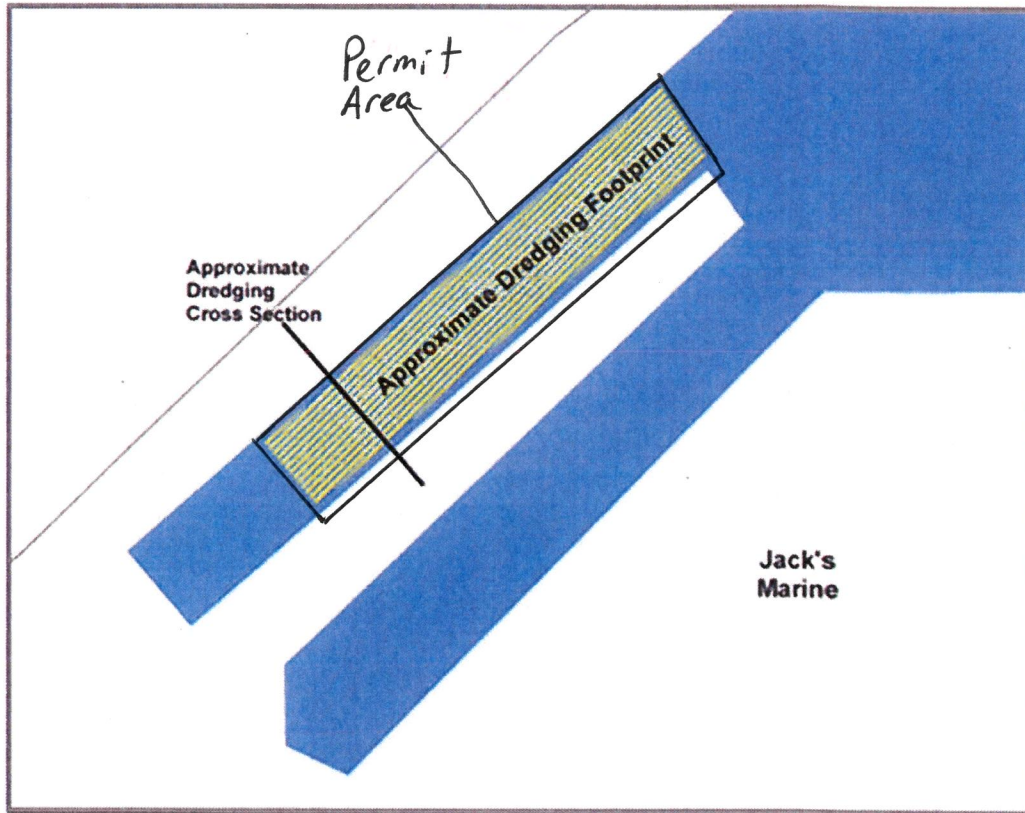
Jack's Marine North Slip Cleanup Project
Ohio EPA



Site map



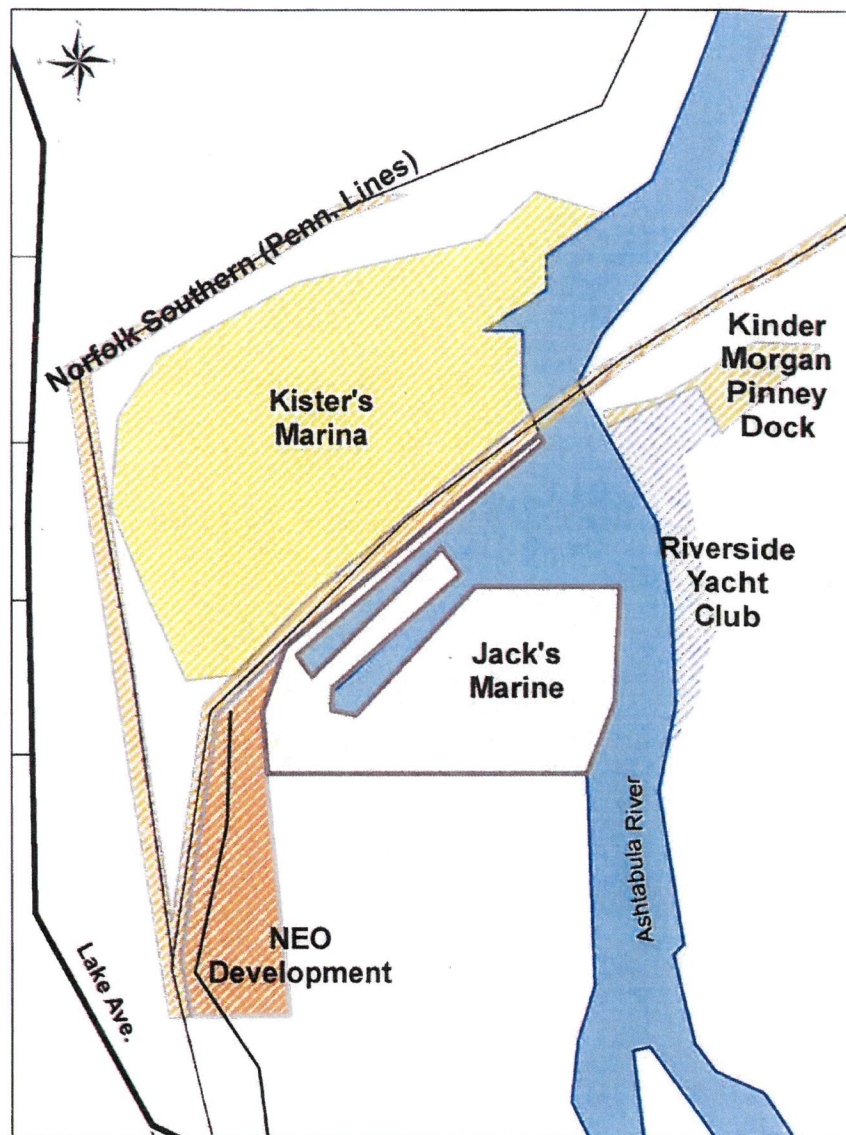
Jack's Marine North Slip Cleanup Project
Ohio EPA



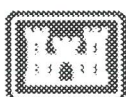
Approximate dredging footprint and cross section location



Jack's Marine North Slip Cleanup Project
Ohio EPA

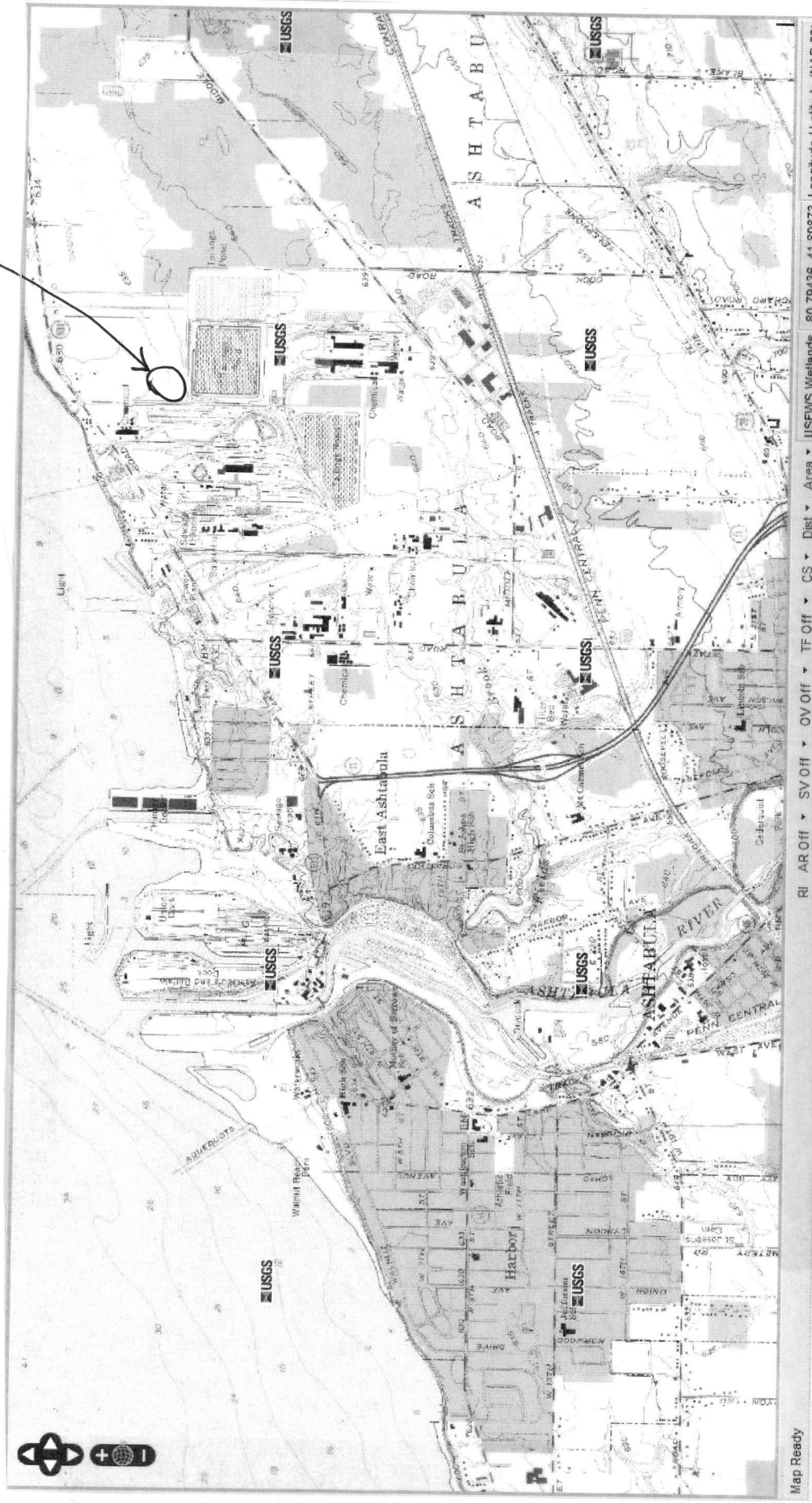
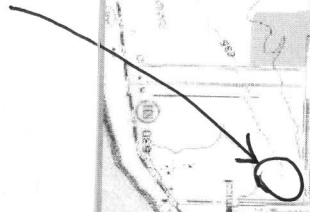


Adjacent property ownership map

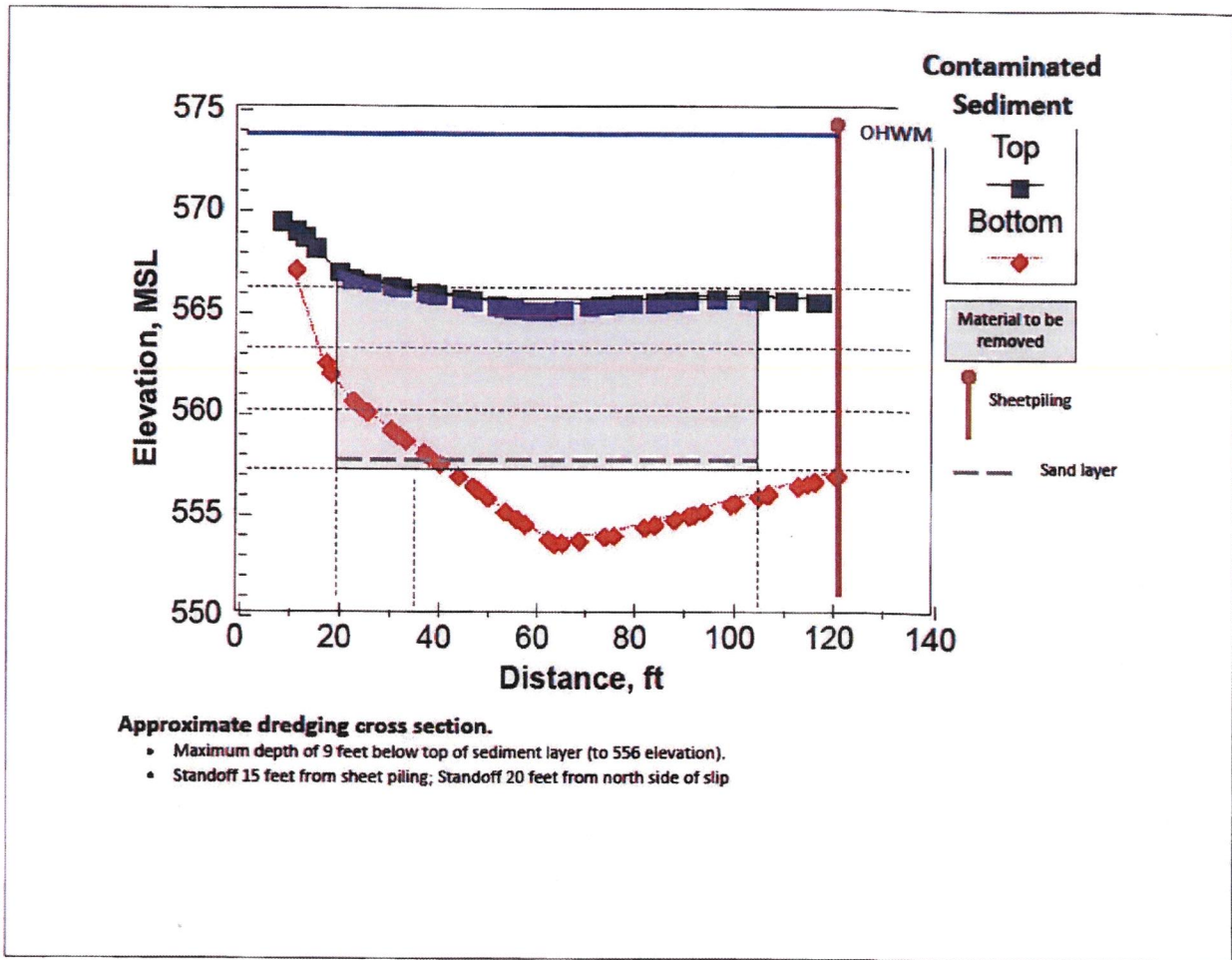




Elkem Metals
Disposal Site



Jack's Marine North Slip Cleanup Project
Ohio EPA



Dredging cross section

